

Town of Amherst
Zoning Board of Appeals
SPECIAL PERMIT

TOWN OF AMHERST, MA
HAMPSHIRE COUNTY
Received & Recorded


FEB 18, 2015

2:15 P.M.

Book _____ Page _____
Attest _____

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2015-00018, to ~~Town Clerk~~ modify conditions of ZBA FY2013-00030, to allow the construction of a three-bay carport and a small addition to the existing dwelling, at 52 North Prospect St (Map 11C, Parcel 213, R-G Zoning District), subject to the following conditions:

1. All other conditions of ZBA FY2013-00030 shall remain in force.
2. The detached carport structure and the addition to the single family dwelling shall be built and located substantially in accordance with the plans, prepared by Valley Home Improvement, dated November 17, 2014.

Mark Parent 
Mark Parent, Acting Chair
Amherst Zoning Board of Appeals

February 18, 2015
DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Valley Home Improvement, Inc., PO Box 60627, Florence, MA 01062
Owner: Alex & Jeff Lefebvre, 52 North Prospect Street, Amherst, MA 01002

Date application filed with the Town Clerk: December 16, 2014

Nature of request: For a Special Permit to modify conditions of ZBA FY2013-00030 to allow the construction of a three-bay carport and small addition to the existing dwelling.

Address: 52 North Prospect St (Map 11C, Parcel 213, R-G Zoning District)

Legal notice: Published on December 31, 2014 and January 7, 2015 in the Daily Hampshire Gazette and sent to abutters on December 30, 2014

Board members: Mark Parent, Carolyn Holstein, Yuri Friman

Staff members: Jeff Bagg, Senior Planner, Building Commissioner, Rob Morra

Submissions:

- Application form filed with the Town Clerk on December 16, 2014
- Site and Architectural plans prepared by Valley Home Improvement, dated November 17, 2014
- ZBA FY2013-00030, with approved site plan and management plan

Site Visit: January 14, 2015

Mark Parent and Yuri Friman met the homeowner, Jeff Lefebvre, at the site. Ms. Holstein viewed the site separately. The location of the property on the west side of North Prospect Street was observed, along with the following:

- The existing single family dwelling and detached garage converted to a dwelling unit.
- The approximate location of the extended driveway and new parking area, which was covered in snow.

Public Hearing: January 15, 2015

The contractor, Nelson Shifflet, President of Valley Home Improvement, described the project as follows:

- Under the previous Special Permit, the owners were allowed to extend the driveway and create three new parking spaces each with a dimension of 8 feet wide by 16 feet long. They are now proposing to erect a carport over the three parking spaces.
- The carport would be within the footprint of the three spaces, would be setback 10 feet from the side property line, and would be supported by posts but open on all sides. The structure would contain a metal standing seam roof similar to that of the converted barn and as shown on the plans. The overall size of the structure is 23.7 feet x 15.7 feet.

- The other component of the project involves the expansion of the existing single family house to enlarge and enclose an existing porch on the south side. This is a change to the approved site plan and therefore reviewable by the Board.

The Board discussed the legal advertisement which identified the proposal as a two bay carport. Mr. Bagg indicated that the change from two bay to three bay is not a change in use or a change in a provision of the Bylaw, and therefore, abutters were properly notified of the general nature of the activity being proposed.

Specific Findings:

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.383 & 10.387 - *The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements.* The construction of a carport over the three permitted parking spaces will not create any inconvenience or hazard to abutting properties. The Board finds that the structure will comply with the required side yard setback of 10 feet as shown on the approved plans.

10.386 - *The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.* The proposal maintains the same number of parking spaces approved under ZBA FY2013-00030. The proposed carport would not interfere with any visual aesthetics of the neighborhood.

10.398 - *The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan.* The proposal provides for the construction of an accessory carport over previously approved parking and a small addition to the existing house; both changes allow for the "most appropriate use of land" in Amherst and are compatible with the neighborhood. The addition would not be visible from the front of the property.

Zoning Board Decision

Ms. Holstein MOVED to approve the application with conditions. Mr. Friman seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2015-00018, to modify conditions of ZBA FY2013-00030 to allow the construction of a three-bay carport and small addition to the existing dwelling, at 52 North Prospect St (Map 11C, Parcel 213, R-G Zoning District), subject to conditions.

Mark Parent (13)
MARK PARENT

Carolyn Holstein (13)
CAROLYN HOLSTIEN

Yuri Friman (13)
YURI FRIMAN

FILED THIS _____ day of _____, 2015 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2015.

NOTICE OF DECISION mailed this 19th day of February, 2015

to the attached list of addresses by Jeffrey R. Bagg, for the Board.

CERTIFICATE OF NO APPEAL issued this _____ day of _____, 2015.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2015,
in the Hampshire County Registry of Deeds.

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town
NOTICE OF SPECIAL PERMIT
Special Permit
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted

To Valley Home Improvement, Inc

Address PO Box 60627

City or Town Florence, MA 01062

Identify Land Affected: 52 North Prospect St.
(Map 11C, Parcel 213, R-G Zoning District)

By the **Town of Amherst Zoning Board of Appeals** affecting the rights of the owner
with respect to the use of the premises on

52 North Prospect St. Amherst

Street

City or Town

The record of title standing in the name of

Jeffrey J & Alexandra J Lefebvre

Name of Owner

Whose address is 52 North Prospect Amherst MA 01002

Street

City or Town

State Zip Code

By a deed duly recorded in the

Hampshire County Registry of Deeds: Book 10634 Page 229

or

Hampshire Registry District of the Land Court, Certificate No. _____

Book _____, Page _____

The decision of said Board is on file, with the papers, in ZBA FY2015-00018

In the office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals:

Mark Parent
(Board of Appeals)

Chairman

Carolyn Holstein
(Board of Appeals)

Clerk

_____ at _____ o'clock and _____ minutes _____ m.

Received and entered with the Register of Deeds in the County of Hampshire

Book _____ Page _____

ATTEST _____

Register of Deeds

Notice to be recorded by Land Owner

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Valley Home Improvement, Inc.

For A Special Permit to modify conditions of ZBA FY2013-00030 to allow the construction of a three-bay carport and small addition to the existing dwelling.

On the premises of 52 North Prospect St.

At or on Map 11C, Parcel 213, R-G Zoning District

NOTICE of hearing as follows mailed (date) December 30, 2014
to attached list of addresses and published in the Daily Hampshire Gazette
dated December 31, 2014 and January 7, 2014

Hearing date and place January 15, 2015 (Town Hall)

LEGAL NOTICE
The Amherst Zoning Board of Appeals will meet on Thursday, January 15, 2015, at 6:30 P.M. in the Town Room, Town Hall, to conduct the following business:
PUBLIC HEARING:
ZBA FY2015-00017 - William Ruck - For a Special Permit to modify conditions of ZBA FY2001-0004 to allow an increase from three to six vehicles, at 24 Kellough Avenue (Map 11C, Parcel 280, R-G Zoning District)
ZBA FY2015-00018 - Valley Home Improvement - For a Special Permit to modify conditions of ZBA FY2013-00030 to allow the construction of a two-bay carport and small addition to the existing dwelling, at 52 North Prospect Street (Map 11C, Parcel 213, R-G Zoning District)
ZBA FY2015-00019 - Pioneer Contractors - For a Special Permit to modify conditions of ZBA FY1983-87 to allow structural changes to the exterior of the pre-existing non-conforming building and to extend, alter and/or enlarge the pre-existing non-conforming mixed use by creating new offices in the lower level, at 190 University Drive (Map 13D, Parcel 6, CP Zoning District)
ERIC BEAL, CHAIR
AMHERST ZONING BOARD OF APPEALS
December 31, January 7, 2015

SITTING BOARD and VOTE TAKEN:

To grant a Special Permit, ZBA FY2015-00018, to modify conditions of ZBA FY2013-00030 to allow the construction of a three-bay carport and small addition to the existing dwelling, at 52 North Prospect St, subject to conditions

Mark Parent – Yes Carolyn Holstein – Yes Yuri Friman – Yes

DECISION: APPROVED with conditions

Town of Amherst Abutter List

<u>Parcel ID</u>	<u>Parcel Address</u>	<u>Owner1</u>	<u>Owner2</u>	<u>Address</u>	<u>City/Zip</u>
14A-35	67 AMITY ST	AMHERST HISTORICAL SOCIETY		67 AMITY ST	AMHERST, MA 01002
14A-27	117 AMITY ST	FISHER, DONALD L	HAAS, SUSAN T	117 AMITY ST	AMHERST, MA 01002
14A-4-25	151 AMITY ST #4	BYRNES, PETER T		151 AMITY ST #4	AMHERST, MA 01002
14A-3-25	151 AMITY ST #3	FROHLICH, NEWTON & MARTHA		195 KING PHILIP RD	WELLFLEET, MA 02667-0940
14A-5-25	151 AMITY ST #5	SIGGIA, ALAN		151 AMITY ST #5	AMHERST, MA 01002
14A-1-25	151 AMITY ST #1	SNEDECOR, PETER J & SCARFF, ANNE W		151 AMITY ST #1	AMHERST, MA 01002
14A-2-25	151 AMITY ST #2	SOUTHWICK, SANDRA		29 LAUREL HILL DR	LEVERETT, MA 01054
14A-23	175-177 AMITY ST	LARDNER, THOMAS J & ANNE JEANNE		175 AMITY ST	AMHERST, MA 01002
11C-233	COWLES LN	SHUMWAY I LIMITED PARTNERSHIP	C/O CURTIS SHUMWAY	220 NORTH PLEASANT ST	AMHERST, MA 01002
11C-232	21 COWLES LN	SHUMWAY I LIMITED PARTNERSHIP	C/O CURTIS SHUMWAY	220 NORTH PLEASANT ST	AMHERST, MA 01002
11C-225	26 & 38 HALLOCK ST	SHUMWAY I LIMITED PARTNERSHIP	C/O CURTIS SHUMWAY	220 NORTH PLEASANT ST	AMHERST, MA 01002
14A-20	143 LINCOLN AVE	WEAR, WILLIAM P & LAURA B		143 LINCOLN AVE	AMHERST, MA 01002
14A-19	145 LINCOLN AVE	BROWN, PETER C	SHIEH, MENG-SHIOU	145 LINCOLN AVE	AMHERST, MA 01002
11C-75	155-157 LINCOLN AVE	COOK, JOE M & SUSAN H RUPP		155 LINCOLN AVE	AMHERST, MA 01002

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/Zip</i>
11C-76	163 LINCOLN AVE	KRAUSE, RHETT D & SUSAN A		163 LINCOLN AVE	AMHERST, MA 01002
11C-77	171 LINCOLN AVE	KU, HSU-TUNG & MEI CHIN		20 BRIDGE RD UNIT 12	FLORENCE, MA 01062
11C-78	179 LINCOLN AVE	SAGALYN, AVITAL R		179 LINCOLN AVE	AMHERST, MA 01002
11C-79	191 LINCOLN AVE	WILCOX, BRUCE G & GRETA GREEN TRUSTEES		191 LINCOLN AVE	AMHERST, MA 01002
11C-80	199 LINCOLN AVE	RATNER, DAVID ISRAEL	RATNER, NANCY KOPPERMAN	199 LINCOLN AVE	AMHERST, MA 01002
11C-234	122 NORTH PLEASANT ST	ROMAN CATHOLIC BISHOP OF SPFLD		P.O. BOX 1730	SPRINGFIELD, MA 01101-1730
14A-34	NORTH PROSPECT ST	BARDEN, MARY ELLEN PAPPAS TRUSTEE		1639 N E 26 STREET, APT 217	WILTON MANORS, FL 33305
14A-33	NORTH PROSPECT ST	TOWN OF AMHERST		TOWN HALL	AMHERST, MA 01002
14A-31	24 NORTH PROSPECT ST	BENTLEY, RICHARD N		24 NORTH PROSPECT ST	Amherst, MA 01002
14A-32	32 NORTH PROSPECT ST	HASTINGS, PHYLLIS S	C/O ELIZABETH HASTINGS	23 HAZEL ST	MILTON, MA 02186
11C-215	38 NORTH PROSPECT ST	FABING, SUZANNAH J		38 NORTH PROSPECT ST	AMHERST, MA 01002
11C-214	44 NORTH PROSPECT ST	PEACE DEVELOPMENT FUND		P.O. BOX 40250	SAN FRANCISCO, CA 94140-0250
11C-213	52 NORTH PROSPECT ST	LEFEBVRE, JEFFERY J & ALEXANDRA J		52 NORTH PROSPECT ST	Amherst, MA 01002
11C-217	57 NORTH PROSPECT ST	O'CONNELL, KILLIAN		610 STATION RD	Amherst, MA 01002
11C-211	58 NORTH PROSPECT ST	JENSEN HOLE, MORTEN & CATHERINE M		556 FEDERAL ST	BELCHERTOWN, MA 01007

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/Zip</i>
11C-209	62 NORTH PROSPECT ST	ABRAMMS, BOB		62 NORTH PROSPECT ST	AMHERST, MA 01002
11C-216	63 NORTH PROSPECT ST	CHIN-GIBBONS, ALICIA A & JOHN J		63 NORTH PROSPECT ST	AMHERST, MA 01002
11C-218	65 NORTH PROSPECT ST	EWERT, HOWARD T & BARBARA		PO BOX 654	SOUTH HADLEY, MA 01075
11C-219	71 NORTH PROSPECT ST	VOLPE, JOSEPH S R & PAULINE A	VOLPE, SALVATORE M	320 PINE ST	AMHERST, MA 01002
11C-208	74 NORTH PROSPECT ST	AMHERST COMM FOR BETTER CHANCE	C/O ALLEN HART	P O BOX 1922, STATION 2	AMHERST, MA 01002
11C-220	77-79 NORTH PROSPECT ST	VOLPE, JOSEPH S R & PAULINE A	VOLPE, ZEBEDEE J	320 PINE ST	AMHERST, MA 01002
11C-207	82 NORTH PROSPECT ST	ROSKILL, NANCY LEE		82 NORTH PROSPECT ST	AMHERST, MA 01002
11C-333	90 NORTH PROSPECT ST	ADLER, MICAH		25 RUTLAND SQUARE	BOSTON, MA 02118